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ranging between about 6 in-lbs to 27 in-lbs.

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13. (Once Amended) A surgical device comprising:

a tissue engaging means;

a handle assembly;

an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means; and

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a shaft member made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the shaft member coupled to the handle assembly, the distal end of the shaft member coupled to the tissue engaging means, the actuating means extending axially through the shaft member, the shaft member configured to be kink resistant, fatigue resistant, and to bend about some bending radius in response to a bending moment applied to the shaft member, the bending moment applied to the shaft member ranging between 6 in-lbs to 27 in-lbs.

22. (Once Amended) A malleable shaft member for a surgical device having a tissue engaging means and a handle assembly, and an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means, the shaft member comprising:

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a tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the tube coupled to the handle assembly, the distal end of the tube coupled to the tissue engaging means, the tube configured to be kink resistant, fatigue resistant; and

at least two springs axially aligned and extending from the proximal end of the tube to the distal end of the tube, the actuating means extending axially through the tube for inhibiting the collapse of the tube.

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29. (Once Amended) A surgical device comprising:

a tissue engaging means;

a handle assembly;

an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means; and

a shaft member including:

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a tube made of a malleable material selected from the group consisting of stainless steel, copper, aluminum and brass, and having a proximal end, a distal end and a longitudinal axis, the proximal end of the tube coupled to the handle assembly, the distal end of the tube coupled to the tissue engaging means, the tube configured to be kink resistant, fatigue resistant; and

at least one spring disposed within the tube, the actuating means extending axially through the spring and the tube.

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35. (Once Amended) A malleable shaft member for a surgical device having a tissue engaging means and a handle assembly, and an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means, the shaft member comprising:

an outer tube having a proximal end, a distal end and a longitudinal axis; and

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a inner tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the inner tube coupled to the handle assembly, the distal end of the inner tube coupled to the tissue engaging means, the actuating means extending axially through the inner tube, the inner tube coaxially aligned and disposed within the outer tube, the inner tube configured to be kink resistant, fatigue resistant, and to bend about a bending radius in response to a bending moment applied to the inner tube;

wherein the distal end of at least one of the inner tube and the outer tube is removably coupled to the tissue engaging means.

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40. (Once Amended) A surgical device comprising:

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a tissue engaging means;

a handle assembly;

an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means;

a shaft member made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the shaft member coupled to the handle assembly, the distal end of the shaft member coupled to the tissue engaging

means, the actuating means extending axially through the shaft member, the shaft member configured to be kink resistant, fatigue resistant, and to bend about a bending radius in response to a bending moment applied to the shaft member; and

an outer tube having a proximal end, a distal end and a longitudinal axis, the shaft member and the outer tube being formed as a co-extrusion, the outer tube coaxially aligned with the shaft member, the shaft member disposed within the outer tube.

Please add the following claims:

53. (Newly Added) A malleable shaft member for a surgical device having a tissue engaging means and a handle assembly, and an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means, the shaft member comprising:

a first tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the first tube coupled to the handle assembly, the distal end of the first tube coupled to the tissue engaging means, the actuating means extending axially through the first tube, the first tube configured to be kink resistant, fatigue resistant, and to bend about some bending radius in response to a bending moment applied to the first tube, the minimum bending radius of the first tube ranging from about  $\frac{1}{4}$  inch to  $\frac{3}{8}$  inch.

54. (Newly Added) The shaft member of claim 53 wherein the bending moment applied to the first tube ranges between about 6 in-lbs to 27 in-lbs.

55. (Newly Added) The shaft member of claim 53 wherein the bending moment applied to the first tube ranges between about 12 in-lbs to 15 in-lbs.

56. (Newly Added) The shaft member of claim 53, wherein the first tube has a wall thickness and an outer radius extending from the longitudinal axis of the first tube to an outer surface of the first tube, and wherein a ratio of the wall thickness to the square of the outer radius approximately ranges between about 2.0 and about 6.0.

57. (Newly Added) The shaft member of claim 53, wherein the first tube is made of a material selected from the group consisting of stainless steel, copper, aluminum and brass.

58. (Newly Added) The shaft member of claim 53, wherein the tube has a wall thickness ranging approximately between 0.008 inches and 0.050 inches and an outside diameter ranging approximately between 0.094 inches to 0.125 inches.

59. (Newly Added) The shaft member of claim 53, wherein the proximal end of the first tube is removably coupled to the handle assembly.

60. (Newly Added) The shaft member of claim 53, wherein the distal end of the first tube is removably coupled to the tissue engaging means.

61. (Newly Added) The shaft member of claim 53, further comprising a second tube, the first tube coaxially aligned and disposed within the second tube.

62. (Newly Added) The shaft member of claim 61, wherein the second tube is made of a material selected from the group consisting of aluminum, brass, copper and plastic.

63. (Newly Added) The shaft member of claim 61, wherein the first tube and the second tube are formed as a co-extrusion.

64. (Newly Added) A malleable shaft member for a surgical device having a tissue engaging means and a handle assembly, and an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means, the shaft member comprising:

a first tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the first tube coupled to the handle assembly, the distal end of the first tube coupled to the tissue engaging means, the actuating means extending axially through the first tube, the first tube configured to be kink resistant, fatigue resistant, and to bend about some bending radius in response to a bending moment applied to the first tube, the tube having a wall thickness ranging approximately between 0.008 inches and 0.050 inches and an outside diameter ranging approximately between 0.094 inches to 0.125 inches.

65. (Newly Added) The shaft member of claim 64 wherein the bending moment applied to the first tube ranges between about 6 in-lbs to 27 in-lbs.

66. (Newly Added) The shaft member of claim 64 wherein the bending moment applied to the first tube ranges between about 12 in-lbs to 15 in-lbs.

67. (Newly Added) The shaft member of claim 64, wherein the minimum bending radius of the first tube ranges from about  $\frac{1}{4}$  inch to  $\frac{3}{8}$  inch.

68. (Newly Added) The shaft member of claim 64, wherein the first tube has a wall thickness and an outer radius extending from the longitudinal axis of the first tube to an outer surface of the first tube, and wherein a ratio of the wall thickness to the square of the outer radius approximately ranges between about 2.0 and about 6.0.

69. (Newly Added) The shaft member of claim 64, wherein the first tube is made of a material selected from the group consisting of stainless steel, copper, aluminum and brass.

70. (Newly Added) The shaft member of claim 64, wherein the proximal end of the first tube is removably coupled to the handle assembly.

71. (Newly Added) The shaft member of claim 64, wherein the distal end of the first tube is removably coupled to the tissue engaging means.

72. (Newly Added) The shaft member of claim 64, further comprising a second tube, the first tube coaxially aligned and disposed within the second tube.

73. (Newly Added) The shaft member of claim 72, wherein the second tube is made of a material selected from the group consisting of aluminum, brass, copper and plastic.

74. (Newly Added) The shaft member of claim 72, wherein the first tube and the second tube are formed as a co-extrusion.

75. (Newly Added) A malleable shaft member for a surgical device having a tissue engaging means and a handle assembly, and an actuating means connecting the handle

assembly and the tissue engaging means for actuating the tissue engaging means, the shaft member comprising:

an outer tube having a proximal end, a distal end and a longitudinal axis;

an inner tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the inner tube and the outer tube formed as a co-extrusion; and

the proximal end of the inner tube coupled to the handle assembly, the distal end of the inner tube coupled to the tissue engaging means, the actuating means extending axially through the inner tube, the inner tube coaxially aligned and disposed within the outer tube, the inner tube configured to be kink resistant, fatigue resistant, and to bend about a bending radius in response to a bending moment applied to the inner tube.

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76. (Newly Added) The shaft member of claim 75, wherein the outer tube is made of a material selected from the group consisting of aluminum, brass, copper and plastic, and wherein the inner tube is made of a material selected from the group consisting of stainless steel, copper, aluminum and brass.

77. (Newly Added) The shaft member of claim 75, wherein the proximal end of at least one of the inner tube and the outer tube is removably coupled to the handle assembly.

78. (Newly Added) The shaft member of claim 75, wherein the distal end of at least one of the inner tube and the outer tube is removably coupled to the tissue engaging means.

79. (Newly Added) A malleable shaft member for a surgical device having a tissue engaging means and a handle assembly, and an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means, the shaft member comprising:

a first tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the first tube has a wall thickness and an outer radius extending from the longitudinal axis of the first tube to an outer surface of the first tube, and wherein a ratio of the wall thickness to the square of the outer radius approximately ranges between about 2.0 and about 6.0, the proximal end of the first tube coupled to the handle assembly, the distal end of the first tube coupled to the tissue engaging

means, the actuating means extending axially through the first tube, the first tube configured to be kink resistant, fatigue resistant, and to bend about some bending radius in response to a bending moment applied to the first tube.

80. (Newly Added) The shaft member of claim 79 wherein the bending moment applied to the first tube ranges between about 6 in-lbs to 27 in-lbs.

81. (Newly Added) The shaft member of claim 79 wherein the bending moment applied to the first tube ranges between about 12 in-lbs to 15 in-lbs.

82. (Newly Added) The shaft member of claim 79, wherein the minimum bending radius of the first tube ranges from about  $\frac{1}{4}$  inch to  $\frac{3}{8}$  inch.

83. (Newly Added) The shaft member of claim 79, wherein the first tube is made of a material selected from the group consisting of stainless steel, copper, aluminum and brass.

84. (Newly Added) The shaft member of claim 79, wherein the tube has a wall thickness ranging approximately between 0.008 inches and 0.050 inches and an outside diameter ranging approximately between 0.094 inches to 0.125 inches.

85. (Newly Added) The shaft member of claim 79, wherein the proximal end of the first tube is removably coupled to the handle assembly.

86. (Newly Added) The shaft member of claim 79, wherein the distal end of the first tube is removably coupled to the tissue engaging means.

87. (Newly Added) The shaft member of claim 79, further comprising a second tube, the first tube coaxially aligned and disposed within the second tube.

88. (Newly Added) The shaft member of claim 87, wherein the second tube is made of a material selected from the group consisting of aluminum, brass, copper and plastic.

89. (Newly Added) The shaft member of claim 87, wherein the first tube and the second tube are formed as a co-extrusion.

✓ Please cancel claims 2, 14, 25, 32, 38 and 44 without prejudice.